



The Salisbury Planning Board held its regular meeting Tuesday, March 24, 2009, in the City Council Chamber of the Salisbury City Hall at 4 p.m. with the following being present and absent:

PRESENT: Karen Alexander, Dr. Mark Beymer, Maggie Blackwell, Robert Cockerl, Tommy Hairston, Richard Huffman, Craig Neuhardt, Valarie Stewart, Albert Stout, Bill Wagoner and Diane Young

ABSENT: None

STAFF: Preston Mitchell, Diana Moghrabi, David Phillips and Patrick Ritchie

This 5-hour meeting was digitally recorded for *Access 16* television by Jason Parks. Mark Wineka reported for the *Salisbury Post* and left after the first case.

Dr. Mark Beymer, Chair, called the meeting to order and offered an invocation. The minutes of the February 24, 2009, meeting were approved as submitted. The Planning Board adopted the agenda with one change in the order.

OLD BUSINESS

Rules of Procedure changes were proposed at the previous meeting; minutes of the committee meeting were provided at the previous meeting. (See Planning Board minutes of 2/24/09) Craig Neuhardt wanted the Planning Board to be careful not to upset the balance between people presenting the case and other folks in the community having an equal voice. Richard Huffman made a MOTION to adopt the new procedure. Valarie Stewart seconded the motion with all members voting AYE. (10-0) The new rules were in effect for this meeting.

Dr. Beymer explained the Courtesy Hearing process.

NEW BUSINESS

A. District Map Amendments

CD-8-03-2009 Grants Creek Crossing Apartments, 1229 Statesville Boulevard

This property is adjacent to Meadowbrook and Milford Hills neighborhoods.

The Council Chamber was at full capacity during this case.

Bill Wagoner recused himself from this case. At the time the present zoning of this site was approved by the Planning Board, he was a member of the petitioning company. He is not a member of the present petitioner and has no financial interest in this case, but felt best to remove him from the dais.

Preston Mitchell gave a staff presentation that included a detailed description of the property. Mr. Mitchell also provided a listing of apartments in Salisbury. He noted that Salisbury will receive Federal CMAQ money to cover 100 percent of the cost for sidewalks on both sides of Statesville Boulevard from Innes Street to Hwy 601. That project will start soon.

Petition proposes to allow the development of a 104-unit multi-family “workforce housing” residential development. The petition does not propose to change the existing RMX base zoning district--only to repeal the existing S-District ordinance and adopt a new Conditional District ordinance in its place.

References were made to the previous zoning case Z-24S-99.

The Residential Mixed-Use District is intended to provide for areas for higher density residential development in close proximity (within ½ - ¼ mile) to existing and planned commercial centers such as the Corridor Mixed-Use District (CMX) and the Downtown Mixed Use District (DMX). The intent is to create higher density residential areas that complement commercial districts with physical proximity and pedestrian connectivity. Different housing types and lot styles, along with a limited mix of neighborhood-friendly uses, are encouraged.

The RMX district permits a maximum of 18 dwelling units per acre. This petition proposes a density of 17.4 dwelling units per acre.

The units will be two and three bedroom garden flats and have been well designed for comfortable living and long-term durability. The complex will provide a sense of community with a number of site amenities and a resident clubhouse with management offices and community space for the enjoyment and support of its residents. The project design includes Hardiplank siding, brick, front gables or dormers, wide banding and 8-foot balconies/patios.”

The 6-acre property is currently undeveloped. The site was cleared, graded, and sod in the last couple of years following the original 2004 approval. A 70-foot deep, 300-foot wide section along the rear property line remained undisturbed and was required as part of the 2004 approval. The property is accessed only off of Statesville Boulevard.

Conditional District LDO Exemptions for Alternative Design

Building Orientation to Street or Recreational Open Space: “The project will be a campus-style development characterized by the clustering of uses within inwardly-oriented buildings that address one another, provide a public common space and parking areas. This

development includes: A unified system of sidewalks, paths, streets, and drives, a unified design of common themes represented in building design, material, signage, and lighting; and a master utility plan”

The petitioner proposes a 20 percent parking space reduction from the minimum required number of spaces. There is adequate public transportation within walking distance of the site. The site is providing the required bicycle parking based on required number of parking spaces, not the reduced number.

The development requests to exceed the maximum allowed driveway entrance width to accommodate a planter island that will serve to separate the ingress / egress lanes. The requested width is 40 feet back-to-back. This exceeds the maximum allowed by 15 feet.

The development proposes not to connect to adjacent properties based on either a previously developed nature, or the unlikelihood that property will ever develop.

Vehicular access to the site is limited to one point of ingress/egress along Statesville Boulevard. The plan does not propose additional access points along private property lines.

Salisbury Transit Route 3 serves Statesville Boulevard as far out as the Brian Center, which is located exactly 1/3-mile east of the project site.

Wendy Brindle, City Traffic Engineer, reported that the City did a comprehensive study in 1999 of a section of Statesville Boulevard from Brandon Drive up to Grants Creek. She recently updated a smaller section of the study—concentrating on the area between E. Colonial and Welch and Dorsett Drive. The most recent counts available indicate that the volume on Statesville Boulevard is 14,000 vehicles per day (those counts were made last week).

Average Daily Trips: 2007 NCDOT AADT (Average Daily Trips) are as follows:

16,000 on Statesville Boulevard near US-601

17,000 on Statesville Boulevard near Brenner Avenue

About 1,100 of the trips on Statesville Boulevard occur during the morning peak hour and about 1,200 trips during the evening peak time.

This section of roadway functions in level of service A (range is from A-F with A being open conditions and F being failing conditions). The proposal would generate approximately the following:

Projected Traffic Generation: ITE Manual Predicts the following based on uses:

104 multi-family units = ~700 vehicles per day (53 during the morning peak time and 65 during the evening peak time.)

Of the trips generated by the site, they are not expected to significantly increase the traffic on Statesville Boulevard. The level of service is expected to remain at a level service A. Volumes were taken on Meadowbrook, E. Colonial, and Welch as part of this study. Based on those volumes,

the projected traffic from the apartment complex will not increase volumes enough to meet traffic signal warrants at the intersection. (Uproar from the public was heard)

An accident analysis (3-year accident history from January 2006 to present) from E. Colonial Drive to Dorsett Drive (about ¼ mile)—there were about 18 accidents on file for that area. Seven were rear-end collisions, five stationary objects, three angle accidents, one head-on collision, and two accidents involving deer. There is a statewide rate published for different types of facilities. The rate published from 2005-2007 for a four-lane undivided urban highway was 4.79 accidents per million vehicle miles traveled. Taking the volume, the accidents and the distance that was studied on Statesville Boulevard the accident rate comes to 4.09 accidents per million vehicle miles traveled. This is slightly under the state rate.

The site distance on Statesville Boulevard is sufficient for the 45 mph speed zone. As speeds increase the site distance becomes more of a concern. They would not recommend lowering the speed limit at this time because people are comfortable traveling at 45 mph or a little higher.

Vision 2020 Comprehensive Plan

Applicable Policies & Objectives

Vision Statement 'Housing' states “We see a multitude of housing choices, ranging from single-family homes, to townhouses, to garage apartments, to apartments over downtown shops or the neighborhood corner store. We see neighborhoods with several different well-designed housing types for all incomes where the elderly, young families, singles and others share experiences and help one another.”

Vision Statement 'Fiscal Responsibility & Better Services' states “We see a more compact "town" development pattern resulting in considerable cost savings to the taxpayer when compared to a sprawling development pattern. These savings have been realized through fewer miles in paved streets, shorter water and sewer lines, more economical trash collection over shorter routes, more efficient fire protection, and more effective community-based policing, etc.”

Vision Statement 'Cultural Diversity / Acceptance' states “We see a community which embraces and appreciates the strengths and interests of a diverse population made greater by the common objectives of quality education, economic opportunity, public safety, and civic purpose.”

Policy N-5: New infill development shall be architecturally compatible with existing structures, landscape features and the streetscape within its vicinity. Efforts by neighborhood associations to establish their own standards for development compatibility shall be encouraged. It is important that older homes are restored, remodeled and/or replaced and empty lots are developed in a manner that is compatible with the balance of the neighborhood. Architectural compatibility can be measured by several factors, some of which are: building proportion and size, setback from the street, building materials used, roof form, type of foundation, presence or absence of porches, placement of garages and outbuildings, use of fences and walls, and landscaping, etc.

Policy N-15: New neighborhoods should be transit route sensitive; designed to incorporate transit stops.

*Policy N-18: As new neighborhoods are developed, a mixture of housing types/sizes/prices shall be encouraged within the bounds of each neighborhood planning area. As noted previously, present day patterns of social and economic segregation are caused, in some measure, by the way in which "single price range/one type only" housing is developed and marketed. This results in a city in which people of different ages and incomes are socially isolated and alienated from one another. This sorting of people by age and income has far-reaching, negative social and political consequences that are beyond the scope of this brief section to address. In any event, one objective of this plan is to encourage a mixture of housing types and prices within each neighborhood planning area. This can be accomplished in two ways. First, housing units of different types can be designed into the layout and mix of a single *development*, so long as the overall scale and design of the buildings in which the units are located is compatible (e.g. single family homes, duplexes, town houses, garage apartments etc., all of appropriate height, bulk, and style of architecture). Second, no one neighborhood planning area should focus on a single price range and style of housing (e.g. all single family, \$150,000 to 175,000). Such single use areas create large, homogeneous blocks of uniform housing (and by default, race, age, family type, etc.) for an entire area of the city.*

Policy N-19: Higher density housing projects, such as apartment complexes and condominium developments, should be located adjoining places of work, shopping and public transit. Access to such higher density housing shall not be through a lower density housing area. Higher density housing may often act as a transitional use between offices or shops and lower density housing. This policy recognizes current development practices and real estate market forces that drive the development of relatively large-scale apartment and condominium complexes. Even in a relatively small town like Salisbury, it is not unusual for such "multi-family" developments to contain one hundred or more housing units. At the same time, the sizeable parking areas, traffic volumes and other concentrated activity associated with such projects usually create considerable opposition from nearby single-family residential areas. Apartment complexes thus usually fall into the NIMBY (Not In My Back Yard) category. With proper location, access and design, however, such multi-family projects can contribute positively to the housing mix in a community, and achieve beneficial densities that make the city work. In terms of location, there should be a strong complementary relationship between multi-family development and places of work and shopping. In this way, the residents support the stores and may provide employees for the work places. At the same time, the shopping and work places offer jobs and shopping close to home. The whole community benefits by having fewer automobiles on the road at any one time commuting to work or running errands for shopping. In terms of access, it makes a great deal of sense to have a convenient transit stop at or very near each major multi-family development. Density makes transit work. Also, it is critically important that multi-family developments have direct access to a thoroughfare, to minimize travel desire to or from the project on minor residential streets. Automobile access to a multi-family development through a lower density residential area should be avoided.

The Conditional District petition and associated Master Plan were first reviewed by the city's Technical Review Committee (TRC) on 19 February, 2009. Staff and other reviewing agencies discussed the proposal with the petitioner's representative. Comments were generated and delivered to the petitioner for their consideration. All TRC comments were appropriately addressed.

Staff is recommending approval of the petition and believes it to be consistent with the Salisbury Vision 2020 Comprehensive Plan.

The petitioner will take six minutes at the end of the Courtesy Hearing for their comments.

Those speaking against the petition

John Whitfield, 1326 Wilshire Place, has lived at this property with his wife 46 years. He has confidence that Planning Board will consider all sides fairly—particularly the negative impact this project will have on Milford Hills and Meadowbrook. He has no confidence in “the assurance you have given us.” We have been concerned for years that a large apartment complex would go on that land. “A few years ago I sat in this chair and supported a medical park.” We trusted that this would resolve our concerns. We tried to be cooperative and still want to be, but not when changes are going to occur. We feel we can no longer count on assurances regarding buffers, design, ordinances, zoning, monitoring the complex. We no longer feel assured that our concerns matter. He objected to “transient apartment dwellers who have no investment in the property or the neighborhood.” “I hope you will think about the negative impact of this development on a church within a few hundred feet of those apartments, on an old established residential area, and on the rights of residents of that area. He suggested that the chair ask those in opposition to the rezoning to please raise their hands or stand. (Applause)

Jana Annas, 140 S. McCoy Road, first moved to Salisbury in 1962 and has lived in both Meadowbrook and Milford Hills. “This project would not be conducive to either of these neighborhoods. The traffic—yesterday it took me 10 minutes to get on Statesville Boulevard to go up and get gas so I could go to my doctor's appointment. And so, with you going to work like that, I think that is going to be a real traffic problem—getting that many cars out of that apartment/multi-family. So, I just think that I would appreciate if you would give this some (a lot of) thought, because it's not going to be consistent with the housing. Now, if they wanted to build single-family housing, that's fine. Or, I was not against when it was a medical. They approved a medical building, because they don't spend the night and they don't stay/drive in and out 700 cars a day—I don't think—to go see the doctor—maybe not.” (Applause)

Carole Young, 1225 Arden Drive in Meadowbrook, asked to consider the school angle. Overton has 414 students—63 percent of those students are disadvantaged. Isenberg has 468—67 percent of those students are economically disadvantaged. Knox Middle School has 584 students—72 percent are economically disadvantaged. Salisbury High School 987 students—54 percent disadvantaged economically.

Adding an apartment complex will increase traffic, increase the percentage of economically disadvantaged students in these schools—these schools are already overburdened. We've got areas of Rowan County where schools need students; apartment complexes need built in those areas—not overburden the students in schools that are burdened already. It is a nightmare to take children to school (Knox and Overton). Traffic backs up from Park Avenue, down Mahaley, all the way to Statesville Boulevard and Innes Street—it is a nightmare mornings and afternoons.

I think they are grossly underestimating the amount of times people make trips out of Meadowbrook turning left and going out on Statesville Boulevard.

The crime rates in our area have been almost non-existent. Apartments are going to change that.

This proposal is not in keeping with the area—we have stable families, housing that has been maintained, and we have low crime rates. We do not need 104 units of “mixed use housing” across the road from us or next to us. (Applause)

Norman Sloop, 112 Statesville Boulevard, stated that he was a 64-yearlong resident of that address. “My wife and I own the 17 acres across—about three-fourths which are in the floodplain.” As most of you may, or may not know, we have no children and we have put the 17 acres already under a conservation easement and the property has been willed to Catawba College to be used for their environmental science program (with John Wear) and the house is to be used, probably, as an alumni house. We see no advantage in having three-story apartments facing the college property, which would be across the street.”

If you look at the map, (the one-mile area from Grants Creek to the Woodleaf Road intersection) there are 58 houses, 3 churches, and 6 other buildings fronting on the boulevard. They are evenly spaced. Suddenly, you want to put 104 units. (I have heard figures of 300 x 600 feet) If you take a 600 feet, that works out to only 4.16 acres. If you use 700 feet it increases it to 4.8 acres (not 6 acres). Multiply the figures out and this is what you come up with.

“This is dense housing and to say that this is not sited in the middle of the neighborhood is a stretch of semantics, to say the least. It is within a consistent neighborhood. If Vision 2020 asks you to include higher density housing, what are you going to do? Move all these people out to regions unknown? And then site higher dwellings in there? This reasonably suggests that this petition be denied.”

“We are not against certain developments. These are friends. They are relatives of other people that we know. We encourage them to come back with a different drawing. But, 104 units sited on a small area—compact as it will—is not acceptable.”

“I think I heard the figure that they estimate only 53 [vehicles] out of there in the morning out of 104—do half of these people not work? I know someone will say that the bus will

carry the rest of them out. I doubt that. Look at the people that ride buses and you will find that they are virtually empty.” (Applause)

Kitty Peacock, 1415 Arbor Drive, had lived in apartment complexes all her life--until last year when she bought a house in Meadowbrook. She bought the house there because it is a quiet, single-family dwelling neighborhood just like Milford Hills is across the road.

Ms. Peacock said, “This may be a lovely plan, but it is in the wrong place. You are going to have an increase in traffic on Statesville Boulevard. (I have to get out on it every morning.) If you have 104 units, you may have as many as 200+ more cars. You are going to have lights on all night. You are going to have people coming and going because they work different shifts. You are going to have cars with boom box music going.”

“It’s just the wrong place for housing like this. Please consider something else for the use of that property there.” (Applause)

John Brown, 1524 Statesville Boulevard, lives in the ABC Kirk House that, he said, is rather historically significant. “I strongly oppose the zoning that exists on the property known as 1229 Statesville Boulevard. Even the current zoning is encroaching on the single-family neighborhoods of Meadowbrook and Milford Hills. Changing the zoning again will do nothing to improve or enhance the two residential communities in question. If ‘Zoning Board’ and City Council approve the changes requested by Crosland Properties, it will only harm and deteriorate two well-established communities.”

“From Innes Street to Jake Alexander on Statesville Boulevard, commercial development (and now the desire to add an apartment complex) is slowly eroding and destroying the residential communities of Meadowbrook and Milford Hills. Rental housing is not building a commitment to the stability of the community.”

“High-density traffic along this section already causes problems as residents attempt to enter and exit as has been said. Once the Catholic campus is completed off Jake Alexander Boulevard, much more traffic will be generated on Statesville Boulevard as parishioners and students will travel to and from that complex. Increased traffic lowers the value of the single-family residences and impacts the schools.”

“The area near Salisbury Mall has at least four apartment complexes (perhaps more) that generate traffic problems. We residents of the area do not need another apartment complex—especially at the east end of Statesville Boulevard. We do not need further commercial development from both the east and the west engulfing our single-family neighborhoods.”

“The cosmetic description that the Crosland properties give suggesting eye-appealing architectural design does nothing to address the negative impact that such a development will have on two of Salisbury’s more reliable, stronger communities. One does not have to be an architect to realize that the proposed apartments would be out of place in this community. Surely, since Salisbury is well known for her progressive protection of

aesthetically appropriate buildings, I would hope that the Planning Board and the City Council would choose to deny the zone change that would allow for the three-story apartment buildings or other structures of high density.”

“We do not need further initiatives to encourage low-income workforce housing in two neighborhoods that have always been single-family development. Clancy Hills Apartments for low-income patrons is less than one mile away. We do not need to be boxed in from the east and the west with high-density apartments and with low-income housing.” (Applause)

Gordon Correll, 1324 Edgedale Drive, loves Salisbury; his ancestors came here out of Pennsylvania. They were Germans.

“Putting this type of apartment complex near these two neighborhoods is not going to be effective growth. I have been on both sides of this issue. Because teachers made absolutely nothing in the State of South Carolina when I first started (teaching), I lived in HUD apartments for six years.” This type of housing was put outside of neighborhoods, not within a neighborhood.

The petitioner has gone through a great deal of trouble to follow the City code and it looks good on paper. “If you put lipstick on a pig, it’s still a pig.”

A lot of statistics were quoted here. “Let me tell you something about statistics. Be careful of statistics. They don’t always tell the truth. Because, if I am driving in my car and I see one of you on the street that is drunk and I pick you up and take you to your house because I don’t want you to have trouble—statistically, both of us are half drunk.” (Applause)

Dawn Thomas, 1225 E. Colonial Drive, owns 29 rental properties in Salisbury and is not opposed to low income housing in areas with appropriate services. She preferred the medical office park zoning. She reiterated sentiments of others ahead of her.

She would like to see a park. She enjoys the nature around her. “Why doesn’t the City do something?” (Applause)

Jake Alexander, 8 Woodland Road, “I, along with John Henderlite, was the original developer of Dorsett Drive and created the template, if you will, for the B1S district on which Dorsett Drive was developed. That template was used again six years later, in 2004, when the property was rezoned from R8 to B1.”

“I want to focus on that S district and I would like to read from the Salisbury Vision 2020 Comprehensive Plan.”

Chapter 1.1

Special Use Districts—Having been properly zoned with any site specific condition shall remain valid as a conditional district under this ordinance.

“I was on that Land Development committee and that is where it is and it’s still in there for a reason—and that is—S districts create a covenant between neighborhoods or property owners and the City of Salisbury. They are very important.”

“I am also primary developer of Manning Park on Jake Alexander Boulevard—that’s LOI (Limited Office Institutional S District). The classification prohibits anything other than, basically, office institutional use. Unless given a compelling reason, there should never be a reason to get rid of an S district.”

“Now I, as a former Planning Board chairman, certainly understand that no current Planning Board or City Council can encumber a future Planning Board or City Council. But, there must be some respect given to that, what I understand, is quasi-legal definition of an S district.”

“You have heard many reasons from the neighbors here today not to do this with regard to safety and density, but I would urge you to look at that one factor. Through two comprehensive zoning processes (1998 and again in 2004) these various properties were changed from residential to B1 (which at time was an office institutional classification) and only B1.”

“I’ll also point out that that, while the Land Development Ordinance has many fine features, one of its drawbacks is that it removed B1 and LOI as a buffer between higher density commercial uses and residential use. That’s what the survival of this S district does. It insures that there is some easier transition between higher density and lower density residences.”

“This is a difficult situation. I know people on both sides; I have great respect for both of them. But, I really do feel strongly about this.” (Applause)

Gail Reynolds, 125 Locke Circle, off of Hwy 150, said her parents live right beside this property and she is speaking on their behalf.

“It is almost impossible now to get in and out of my parents driveway. I go for walks from their house all through Meadowbrook and Milford Hills. I take my bicycle sometimes down there and ride all through that area, also. That is the most dangerous part of my ride—crossing to get back into my parents driveway. And, that is without this additional traffic.”

“It was stated that there is 14,000 cars per day and it will increase to 21, 000. Whenever they were talking about the accidents it was not mentioned that Mrs. Kirkpatrick, herself, was killed in an automobile accident leaving her very driveway. That is a dangerous hill. Cars go much faster than 45 miles per hour and they don’t always slow down.”

“Another thing that also worries me is that, whenever this was presented to the neighbors, it was mentioned that every apartment would have one plus parking spaces. I don’t know of anyone that only owns one car.”

“It was also mentioned that it would appeal to teachers, police officers and firemen. Well, I am a teacher or an ex-teacher (retired schoolteacher) and I have two automobiles. Police officers often times bring their cars home. I don’t know what is going to happen with those extra automobiles if each apartment only has one plus parking spot. Speaking from experience, I used to own a condominium and it was the same parking (one plus space per unit) and there were times I had to park two blocks from my condominium, because there were no empty spots to park.”

“I am definitely against it for the safety of my parents (they are 86 and 88 years old). They went ahead and had their property rezoned the same as the medical center was going to be because they were very in favor of that.”

Charles Anderson, 121 McCoy, said he had a little bit of a “common sense” concern here. “We all know that 100 apartments will produce at least 200 cars. You are going to have between three and four hundred people, probably about 100 children playing along Statesville Boulevard at different times. I am concerned about the 20-foot-wide exit for 200 cars and 350 people. That doesn’t make any sense. If that first apartment should catch on fire, and heaven knows if a mattress starts burning from somebody smoking a joint, or whatever, it is going to happen. You’ve got three fire stations within a mile. You are going to have at least 8-10 vehicles in that driveway. This happens at 2 o’clock some Monday morning. That is going to be completely blocked off and there is no exit.”

I cannot believe they are able to produce that kind of a plan, but here is what is going to happen. “Five years from now some city fire inspector is going to come in and make the recommendation to install another exit. Where is it going to be? Right out the back—right into Milford Hills.” (Applause) This is going to create havoc. A lot of people walk there and there are no sidewalks.

Dennis Sims lives at 209 Stoneridge Drive, which is not in this neighborhood. “However, I have been a member of Milford Hills Baptist Church, which is located at 1238 E. Colonial, for 31 years.”

We did not take a straw vote at church, but I think that it was a consensus that the church is not in favor of this.

Robert Schumacher, 1316 Statesville Boulevard, believed the statistics on the accident rate on the road become more meaningful when you have had some personal experience. He has had difficulty getting in out of his driveway.

He does not want to get the paper in the morning and look at a three-story apartment building.

Pam Coffield, 132 S. Milford Drive, said her father, Wallas Hylton, lives 1625 Statesville Boulevard and is with her today. She grew up in the sixties in that house.

In 2004, when this property was rezoned for the medical development, a lot changed on that land. The home that was there was moved off. The farm was demolished. The land took on a whole new look. All the trees and all the bushes are all gone. The medical development fell through leaving the neighborhood at risk.

She requested that rezoned property revert back to the original zoning when a project “falls through.”

Summer Lanear, 1127 Arbor Drive, believes that this could be better located elsewhere.

Ed Clement, 310 S. Ellis Street, believes Salisbury is very special. What make it special are the special areas of the city—like special neighborhoods. The special people like Dr. Sloop, that cares enough to give all of his land to this community and help make this whole area even more special. The Land Trust that owns land near and along Grants Creek.

We want to look at this area as much bigger than Milford Hills and Meadowbrook. Include the Catawba Preserve. In these terms, the project does not fit in. The project is not bad; it is just out of place.

Jim Price, 211 Malcolm Road/125 S. Milford Drive, has lived all over the world, but always comes back to Salisbury. It is a comfortable, safe place where he feels at home.

“We have to protect Salisbury.” We have to protect the integrity of various communities. Meadowbrook embraces cultural diversity.

Renee Gray, 329 Malcolm Road, spoke to the safety of children playing close to Statesville Boulevard. They need to be protected.

Harold Poole, 235 S. Milford Drive, believes the traffic to be a safety concern. The density of 17.4 units per acre is congestive. The parking will be a big problem.

“There are several Vision 2020 violations.”

- Page one (residential mixed-use district) suggests that the project needs to be in close proximity (up to ½ to ¼ mile) to existing and planned commercial centers. This would be the Ketner Center on one end and Salisbury Mall on the other. These are in excess of the 1/2 mile.
- There is no connectivity here to any other property.
- As a matter of comparison, the Westcliffe subdivision is about 100 units of single-family housing.
- This is three stories when nothing else out there is that height.

Brent Snipes, 120 W. Colonial Drive, has lived at this address for 16 years. He does not believe the information on the traffic counts is accurate. There is a new Catholic school getting ready to open in August. “I assume they will have between 150-200 students that

will have to get to school every day. That's right around the corner from Statesville Boulevard on [Hwy] 601."

His sister's car was totaled; she was stopped on Statesville Boulevard waiting to turn left onto W. Colonial when a car ran into the back of her.

A project like Manning Park is more desirable than the one under consideration.

George Gillooly, 1375 E. Colonial Drive, paid cash for his home 20 years ago. "I do agree with much of what has been said, if not all."

The people living in these apartments will have the same frustration getting in and out of the complex that the other residents in the area are experiencing.

Gwen Louchouarn, 1652 Wiltshire Road, did not think this project could serve Catawba student needs and recruitment.

Those speaking in favor

Stan Jordan, 401 Idlewood Drive, is one of the current owners of the property, along with Tom Loeblein and Todd Dagenhart.

"You have heard the details of the proposal from a planning perspective by Preston Mitchell and you will soon from the developer's standpoint by Darrell Hemminger. I would like to give you the perspective of someone who is not a planner or a developer, but someone who lives and works here in Salisbury and is taking an active role in bringing the development to our community.

Late last year we were approached by Crosland inquiring about our land. We knew that Crosland was a quality developer, so we were interested in hearing their plan.

When they proposed multi-family and work force housing financed by tax credits (that was something we didn't know very much about) we had questions about what tax credit properties were. We learned that they are not HUD or Section 8 housing projects. We learned that the awarding of the tax credits was a very competitive process and that the North Carolina Housing Finance Agency held applicants to strict standards throughout the process. Crosland had to submit a comprehensive plan to be awarded the tax credit to proceed with the project. They must also maintain the quality of the development by its management through the years in order to protect those credits.

We visited three of their tax credit properties in Charlotte and were impressed with what we saw. One of the properties was actually on a six-acre rectangular tract and we saw firsthand the campus style community that they developed. The impression we all had of the developments were that they were well maintained, cared for and respected by the tenants and that there was a sense of pride among those living there. There was a community atmosphere.

We are excited that type of property could come to Salisbury to help working families and better our community. There are nice amenities built into this development that makes it an attractive and desirable place to live in the city.

We knew the buffer to the south and the west would be an important issue to those neighborhoods. Crosland has been very intentional about adding additional landscaping and expanding the 70' buffer.

We know that traffic would be an issue. The only access is on Statesville Boulevard.
(Speaker ran out of time.)

Tom Loeblein, 314 Laurel Valley Way, is also one of the landowners. He was born and raised in Salisbury and understands his friends and neighbors.

Change causes fear. The unknown causes fear. This is the real issue.

He goes to church in Charlotte where a development like this came up across the street and became a wonderful opportunity for the church to minister.

The more he learns about this type of project the more passionate he has become about this opportunity. It is a unique opportunity, to have a company like Crosland to select our City to build an incredible development like this. He feels that, if approved, the neighbors will look at this with pride in the future.

Charlie Henley, a property manager with Crosland and not part of the team that put this proposal together.

This particular community would serve families that have incomes between \$20-40,000. History of other communities indicates that residents are employed. The motivation of the residents is the same as the motivation of the residents of Meadowbrook or Milford Hills.

The communities are stable. On average, one out of five residents move which is a low turnover rate. Background checks are performed on the residents.

The Planning Board Chair then asked how many people would be speaking on behalf of Crosland Homes. He thought there should be a limit since they represented the petitioner. He asked if there was anyone speaking in favor that did not represent Crosland. Planning Board Chair then closed the Courtesy Hearing and offered Crosland three minutes to speak.

Dick Huffman said the community had plenty of time to speak and if Crosland needed six minutes to speak he did not object to that, since he was unclear that this would be the outcome of three minutes vs. six minutes.

Maggie Blackwell agreed with Mr. Huffman and made a MOTION to allow Crosland Homes six minutes to speak. "In light of the fact that the residents took over an hour, six

minutes is not excessive.” Karen Alexander and Mark Beymer opposed the motion. The motion passed. (8-2)

Darrell Hemminger and Dionne Nelson addressed the Planning Board on behalf of the petitioner. Darrell Hemminger apologized for the confusion, “We did not know until tonight what the system was.”

They had meetings with the neighborhood and heard many of the same concerns heard at this meeting. He thinks that 70-80 percent of the concerns are related to traffic concerns. Under the current zoning or the previous zoning/alternative plan for the development of this property is 60,000 square feet of office. (2238 trips per day additional from nothing vs. 754 by way of the Crosland project.) That trip generation associated with that use would be nearly three times as high as the trip generation that is being proposed by Crosland. These are not Crosland numbers; this is stated in the staff report. What Crosland is proposing will yield significantly less traffic and less peak traffic than what would otherwise be allowed by right. (That is not by another rezoning.)

The location of the greenway trail was requested by the neighborhoods and agreed to by Crosland, who also agreed to relocate a dumpster and double the rear buffer. They are proposing a 140-foot buffer and doubling the landscaping.

Dionne Nelson addressed the perception of what the community is going to be like. This community is targeted at working families that earn less than the area’s median income at the move-in point. Most residents stay 5-6 years. Their income rises substantially above what the qualifying income was at the outset and they are not required to leave. “We have residents in our tax credit properties that make \$80-90,000 a year and choose to stay because it is safe and offers a high-quality living environment.”

Crosland involvement is direct in screening, background checks and management. It is a corporate commitment to the community. They could earn more with a market-rate development, but the company has a legacy of adding something back to the community.

Crosland, LLC will guarantee the tax credits to the federal government. We have a long-term vested financial interest in making sure this property is successful over the long term. Crosland can provide many endorsements.

The Salisbury Vision 2020 Comprehensive Plan states that Salisbury seeks to support housing choices for people of all incomes and family compositions. Crosland seeks to support that endeavor and develop a high-quality workforce housing development that will look and live like a market-rate community. This is not an easy choice, but it is the right thing to do for the community growth.

They are required to give a 6-month lease when residents first move in, but from there that lease converts to a month-to-month agreement. That gives flexibility to take quick action if necessary.

Crosland has developed approximately 25 tax credit properties in the state of North Carolina in the last 15 or 20 years. Crosland continues to own all of these properties. (The tax credits have 15-years of federal/state restrictions on them.) Crosland contracting builds all of the internally developed properties, as well as third-party properties for other developers that do similar work.

All units will have a balcony, but there will be restrictions that would not allow laundry to hang on the balcony. Crosland provides window blinds for a unified appearance on the exterior. There is a pet policy, and other restrictions that will hold residents at a standard.

Planning Board made a MOTION to go past 6 o'clock. All agreed.

The City provided mailing lists for notifications to property owners adjacent to this property. Crosland made phone calls to these property owners. There was a meeting posted and announced at the Milford Hills Baptist Church where a meeting was held. The second meeting was at the Gateway Building with invitations going to the notification area required by the City. Some changes were made to the plan as a result of these meetings. The property has been posted with a rezoning poster. There will be another mailing for the Public Hearing and an ad will be placed in the Salisbury Post announcing the Public Hearing.

Crosland invites the neighborhoods to "Get on a bus with us" to see what these neighborhoods look like.

The current zoning allows for the same density as this proposal. Schools and traffic loads using the zoning map would not view this as an addition in density. The underlining zoning is already there. The RMX zoning is the base zoning for this property. This was the conversion zone from B1 in the previous code. Lifting the S District would expose the RMX base zoning that would allow 18 units per acre. The Planning Board has the authority to recommend lower density.

Crosland has been hearing that "this can be better somewhere else." (NIMBY—Not in my back yard) Crosland said—it's a high-quality project—this is a high-quality site. It is a nice location to live. Crosland targeted this site. Office buildings could be just as high and just as close to the road. The height has been intentionally reduced on Statesville Boulevard.

Impact fees are not permissible in the City of Salisbury.

Board Discussion

Karen Alexander said she believes this plan is out of scale for this area and entirely too dense. There are one-story houses of 1,500-1,600 square feet facing the streets in the area. We do not want more of the effects of continuously eating away at the edges of established neighborhoods.

Craig Neuhardt said, “If you break a neighborhood, you only get one chance to break it.” This is my neighborhood, too. He has lived here 25 years. East Colonial Drive in the springtime is pretty special.

The concept of a transect—starting with the outer reaches of the community with sparse population, low density housing and the closer you move to the commercial center of the community it does get denser. This does not fit that transect.

The LDO speaks to connectivity between properties as a good thing, but there is only one way in and out. It has no connectivity.

Albert Stout asked for a break; the chairman allowed for a 10-minute break, and the meeting resumed at 6:40 p.m.

Mark Beymer announced that he will be voting to deny. These are two very viable neighborhoods. This is difficult. We have a good petitioner, a good project and the wrong location. He is convinced that it should not go here and it should never have been considered.

Tommy Hairston praised both sides of case for stating their point of view. He cannot be comfortable voting in favor. There are safety concerns regarding the single entrance/exit.

Diane Young can understand why Crosland would want this site, which is close to drugstores, super markets, on the transportation grid, etc. She applauds the Crosland mission.

She does believe, however, that this is the wrong location. She could not vote in favor of anything that could potentially put that kind of a load on the already overcrowded school system.

If subdivided, a maximum of 30 single-family homes could be built on this site.

Valarie Stewart said she wished there was an alternative location in Salisbury, because the concept is wonderful. This community does embrace diversity and wants for all citizens to have suitable housing. The traffic is a problem. She also has a concern regarding the one way in and out.

Robert Cockerl echoed what Valarie said. The community has a covenant [S District] and has been through a situation where they made concessions for a medical park.

Diane Young made the following MOTION and STATEMENT OF CONSISTENCY. “I move that the Planning Board finds and determines that CD-08-03-2009 is not consistent with the goals, objectives and policies of the Vision 2020 Comprehensive Plan and therefore, I recommend denial.” Tommy Hairston seconded the motion with all members voting AYE. (9-0)

This will move on to City Council with a recommendation to deny. City Council meets April 7 & 21, 2009. New notices will be mailed, the zoning sign will stay up, and there will be two ads in the Salisbury Post announcing when this case goes to City Council.

NOTE: CD-08-03-2009 was withdrawn before continuing to City Council.

CD-8-02-2009

City of Salisbury Customer Service Center
1415 South Martin Luther King Jr. Avenue

Karen Alexander is the architect for this project and was excused from the dais. Bill Wagoner returned to the dais.

Approximately 4.5 acres (one parcel) located along the east side of MLK, Jr. Avenue between Vance Avenue and Calhoun Street across from Lutheran Services for the Aging. This petition request is to allow the development of a 26,000 square-foot customer service center that proposes to house the city's customer service center (utility billing, payments, etc.), the Information Technology (IT) department, the "Head-In" unit of the Fiber-to-the-Home Utility and its support offices, the Wellness Center, and fleet radio shop. The plan also includes a 21, 850 square-foot fenced storage area to the rear of the site.

The site requires a minimum of 52 parking spaces and permits a maximum of 130 spaces. The petitioner is proposing a total of 90 spaces (55 on site, 35 on street) with five bicycle parking spaces.

Proposed vehicular access to the site is limited to three points of ingress/egress—one on Martin Luther King, Jr. Avenue and two on Hillsboro Street.

A 26,000 square-foot government office complex with the customer service bill-pay element could generate over 725 vehicles per day. This newly generated traffic will use Martin Luther King, Jr. Avenue. The City's traffic engineer states that this increase will not negatively affect that street's current level of service.

This plan proposes two alternatives to the parking provisions as follows:

- The plan does not provide inter-lot connections to adjacent property.
- The plan proposes 36-foot driveway throats along Hillsboro Street.

The petition does not propose to change the existing CMX base district; only to newly adopt the Conditional District Overlay and ordinance.

This plan proposes an alternative building material for a commercial building type in the CMX district by proposing vertical metal siding along the radio shop façades. These façades are oriented towards Harris Street, Hillsboro Street, and inside the site towards the eastern property line. The Harris Street façade is screened from the public right-of-way via streetyard landscaping and a six-foot opaque privacy fence. The Hillsboro Street façade is screened from the public right-of-way via streetyard landscaping.

This plan proposes alternative design to the Commercial building design standards for street walls as follows:

- The south and west elevations will have blank wall sections that do not contain fenestration; however, brick pilasters erected 16 feet on center will assist in breaking up the expanse of blank wall.

Sidewalks (800 linear feet) are proposed for the Martin Luther King, Jr. frontage (not Harris or Hillsboro).

Preston reviewed the Vision 2020 policies applicable to this case. This was provided in the Planning Board packet.

The Technical Review Committee (TRC) convened on February 19, 2009, to review the plan. The TRC voted (6-1) in favor of recommending that the project side Harris Street be constructed to meet current City street construction standards. Staff believes this project to be consistent with the goals, objectives, and policies of the Salisbury Vision 2020 Comprehensive Plan and recommends approval of the project.

Those speaking in opposition

Robert Boone, 1605 South Main Street, said, “I am not in opposition to the plan for the optic cable nor the east plan surrounding that—including the architectural plans and so forth. I am not in opposition to that.”

“About 50 some odd years ago (my family owns property over there) and of course, back in 1968 that property was, in course, has been changed from residential to business. The neighborhood opposed it twice at Planning Board. It did get changed unbeknownst to the neighborhood. That happened, you know, with nobody being notified. ”

“Of course, I made mention of that in about 1992, at that time at the Salisbury Post they had a notice in the paper, in the car section next to my picture, (City Motor was the Ford dealer at the time) a notice of public hearings. That happened and of course this property of Lance, Inc. was situated on City-owned property.”

“In 1998, about, the City came through again and this time it involves me. So, I am the owner that has inherited that property in my family. And so, they want two or three feet of property and they got \$200 or \$300 they tell me—the City is trying to get out cheap. Well, I said, I don’t have any property to sell for \$200-\$300. And, low and behold, before it was over with, they took 30 or so feet of it and they finally [inaudible] what they are doing with the beginning and the end of it [inaudible] they took 30 feet, put a curb in the road to bypass this property (did not take any of it).” Before I run out of time here, the essence of everything I’m saying...the public property that borders the creek area down there that’s being developed by certain developers. If ya’ll allow this to go forward at that location, I feel that certain members of the council, if they recuse themselves of having a financial

interest in this project, would not have a quorum to have a vote anyway. I ask that it would be denied as to the location.”

Mark Beymer suggested that some of what Mr. Boone said had to be addressed at the City level and not the Planning Board level.

Those speaking in favor

Rodney Queen, 101 Polo Drive, said, “About eight years ago, the Planning Board and a committee wanted to rezone this property to R2.” He said the neighborhood attended that meeting and there was a large crowd at that meeting. Those people were in favor of doing “what you are doing with the property now.” They wanted the property to stay M1 because they felt that Salisbury needed that area to see growth from the small business community. (Not necessarily in this scale.)

If the neighborhood was opposed to this, they would probably be here in great numbers.

Petitioner

Karen Alexander, KKA Architecture, 118 East Council Street, made herself available to address any questions. She said staff did an excellent job with the presentation.

Mark Beymer understood that there is a two-step construction process on the structure. The first section—where the trunk lines come in with the fiber—it may seem unsightly. At that point the project is not complete. The second stage will mask all of that.

Karen Alexander said that the phasing is because of how the Rowan County Inspection Department must work. They cannot give conditional inspections, so “we have to do it in phases.” The skin or veneer will be the last phase. The work will be continuous.

Craig Neuhardt asked if there was a resolution for the drive-through location. Ms. Alexander responded that it is on the revised drawings in response to TRC comments. Mr. Burgin was adamant about having a drive-through component. This has been addressed with a small fencing wall—that a pilaster can handle the drive-through facility. The direction of travel was reversed, there is stack room where several cars can be in line, and they can pull out into the street safely.

Bill Wagoner asked if city transit would be available to this site. Karen Alexander responded that this is not a part of the submittal.

KKA Architecture met with Rodney Harrison of the city transit team who are looking at a possible change in the route to accommodate people who would ride the bus to this site. This is important to KKA Architecture because they are submitting this project for LEED registration and this is one of the criteria they are striving for; the stop could be within a block. Cost would be an issue for the city transit team.

Board Discussion

Bill Wagoner said he would like to see the City do what it has asked others to do, like Dollar General on Highway 150, and provide brick along public right-of-way. He would like to see the metal siding off of the Harris Street side of the radio shop.

He would like to ask that, instead of the brick pilasters, that the head-in shop area be converted to the rhythmic arrangement of windows (like those found on a nearby building). This could be replicated in some brick pattern. The point is, from the street, the Harris Street elevation has four different material views. We see the all glass wall, then we see brick with industrial rhythmic window pattern (like an old cotton mill), then we see a solid masonry brick wall with pilasters (which occur nowhere else) and then we see a metal wall.

Mr. Wagoner would like to see the money taken away from the fencing and put into the building so there is a permanent solution.

Based on the impact this will have on the community and surrounding area, Mr. Wagoner believes it is a high priority to have city transit stop at this facility (within one block); this is supported by the comprehensive plan.

Ms. Alexander cited that part of the issue is budget. Across the street there is precedence for the metal building. The metal material has been approved even in the historic district. The Fireloft building is an example. The intent was not to replicate an historic building, but to tie back to that. These materials (in relation to the LEED certification) are resource efficient and meet a lot of other criteria.

Craig Neuhardt made a MOTION “The Planning Board finds and determines that CD 8-02-2009, City of Salisbury Customer Service Center, is consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan and will recommend for approval with two modification: (1) being curb and gutter on Harris Street on the business side, (2) and a bus stop should be required within one block of the front door of the facility.” **Tommy Hairston** seconded the motion with all members voting (AYE. 7-0)

NOTE: Maggie Blackwell, Dick Huffman, and Albert Stout left the meeting before this vote was taken.

Karen Alexander returned to the dais.

There was a 5-minute recess to allow for Access 16 to change DVDs, and the meeting was resumed at 7:55 p.m.

B. Revision to Conditional District

CD-5-04-2008-35 Competitive Sports Properties

Revision to Master Plan to allow for phasing. Planning Board is the approval authority.

Preston Mitchell made a staff presentation.

Todd McNeely of 625 Corporate Circle is named the petitioner for approximately 1.19 acres, encompassing one parcel (060-139). The petitioner proposes to construct a 10,000-square-foot single-story addition to an existing 14,948-square foot gymnasium.

They are not asking to make any changes to the plan; they are asking to phase the plan with two phases. They propose to build the front part of the building now.

All of the landscaping will not be completed with phase one. If approved, certain amounts of landscaping would be installed at a later date, the dumpster and dumpster pad would be relocated, and the adjacent lot interconnection (to the north) would be constructed with phase two. Staff recommended approval of the phasing.

Karen Alexander made a MOTION to accept the revision as submitted. Robert Cockerl seconded the motion with all members voting AYE. (8-0)

C. Group Development

G-18-06 The Grand on Julian Apartments, 1310 Julian Road.

Revision to Group Development Plan to change exterior elevations.

David Phillips made a staff presentation.

This project was approved under the previous zoning ordinance. There were no building standards at that time. The Mayor did sign off on the original drawings. During construction a field change was made; the applicant was not aware that those changes would need to come back to the city for approval.

The project has been constructed using more vinyl lap siding material, with some accent brick along the base of the building. Staff felt that the change differed significantly enough from the initial expectation (from the original approval) to resubmit for the change in elevations—even though it has already happened.

Mark Beymer remembered approving the project based on the quality that was presented.

Those speaking in opposition

None

Those speaking in favor

Patrick Iannelli of PDI Architecture did not think there was any requirement for the material changes. He apologized for the misunderstanding and submitted the group development application to request that a revision be allowed.

Bill Wagoner stated that he (Mr. Wagoner) had originally come before Planning Board and City Council in opposition to this project. “Other than cost, what is the compelling public interest that we should consider for granting you a change, after the fact, of a project

moving forward not consistent with public approval? Why should the Planning Board grant forgiveness for not having gotten permission?" Can we now create some street appeal that would be in the public interest? Landscaping is too impermanent.

Mr. Iannelli still believes this to be a quality project. From the street level, the changes in the material are not evident. It is a good quality siding. They have removed some of the brick. They did not reduce the size of units or reduce the quality. It is a HUD funded project. The owner has come out-of-pocket to keep it a quality project. Due to costs, the project would not have been built if they had to build it as originally shown on elevation drawings.

Tommy Hairston asked, "What would happen if your request is denied? What are you prepared to offer?" Mr. Iannelli did not know.

Diane Young is not comfortable approving the change or making them do something drastic without being able to review information regarding the original approval. She suggested he speak to his people to decide options they are willing to take.

Rodney Queen, 101 Polo Drive, understood that Salisbury did not have design standards in place at the time this project was approved. He agreed with Diane that they needed to take a good look at this. This is a good project and very well could have been approved if it had been presented as it is. As a developer, he would have felt he had the liberty to make some changes.

Robert Cockerl visited the site and believes it to be a quality project.

Mark Beymer is concerned about wear and tear and what expectations Salisbury had for this project.

Diane Young made a MOTION to send G-18-06 to committee. Tommy Hairston seconded the motion with all members voting AYE. (8-0) Committee three (Diane Young, Valarie Stewart, Karen Alexander, and Tommy Hairston) will meet April 14, at 4 p.m. to discuss.

G-23-07 Kelley-Salisbury, located off East Innes Street.

David Phillips made a staff recommendation. This has been previously approved, but the site plan expires this month. This is a request for a 1-year approval extension with conditions. TRC recommends that the time be granted, with the condition that the guarantee that has been posted for the entire infrastructure be extended or the entire infrastructure be installed by December.

This submittal was originally under the previous code.

Public Comment

None

Diane Young made a MOTION to approve the extension for G-23-07 Kelley-Salisbury. **Karen Alexander** seconded the motion with all members voting AYE. (8-0)

D. LDO Text Amendments

LDOTA-06-2009 Sidewalk Requirements for Infill Lots

Preston Mitchell stated that this is the sixth amendment to the Land Development Ordinance. Sidewalk construction is now required for all new development. It is starting to get very expensive to build sidewalk on infill lots.

The TRC proposal would treat sidewalks for infill lots similar to the infill provisions in terms of architectural compatibility and subdivision compatibility. (Commercial lots are not subject to the infill provisions.)

Rodney Queen, 101 Polo Drive, has spent a great deal of time on sidewalk committees. He is supportive of sidewalks, but thinks Salisbury has gone too far—it has placed hardship on some people. He offered some scenarios to support his position. This is a justifiable change.

Craig Neuhardt attended the TRC discussion and this seems like a reasonable change. **Karen Alexander** agreed and would like to see it applied to some commercial development.

Robert Cockerl made a MOTION to approve. “The Planning Board finds and determines that the following Land Development Ordinance Text Amendment LDOTA-06-2009, Sidewalk Requirements for Infill Lots is consistent with the goals, objectives and policies of the Vision 2020 Comprehensive Plan, and hereby recommends approval.” Tommy Hairston seconded the motion with all members voting AYE. (8-0)

LDOTA-07-2009 Infill Provisions for Minimum Lot Width

The TRC has requested that this be sent to a legislative committee for further discussion. They are running into issues of subdividing infill lots.

Rodney Queen, 101 Polo Drive, said Salisbury has defeated what the LDO was trying to accomplish in many areas. He would like to attend this meeting.

Valarie Stewart made a MOTION to send LDOTA-07-2009 to committee (Legislative Committee A, April 14, 2009, at 5 p.m. in the Council Chamber). Diane Young seconded the motion with all members voting AYE. (8-0)

LDOTA-08-2009 Gas Station Canopy Lighting

Preston Mitchell made a staff presentation. Staff recommends approval.

The Land Development Ordinance sets a standard that gas station canopy lighting must:

1. Use recessed lighting fixtures under the canopy
2. Not exceed 10 foot-candles (fc) at the canopy edge
3. Not exceed 1fc at the property line

Several new and redeveloped gas stations in town have complained about the 10 foot-candles standard and claim that it is unreasonable and unsafe. Staff contacted the Illuminating Engineering Society of North America (IESNA) and requested their assistance on what is fair, reasonable, and normal in terms of gas station canopy design.

They confirmed that 10 foot-candles is used in their design guidelines, but that their guidelines do not clarify the canopy edge nor is it practiced industry-wide. The representative stated that it is just that – a guideline – and not a standard.

Therefore, staff recommends that the Land Development Ordinance language be amended to require that gas station canopy lighting must:

1. Use recessed lighting fixtures under the canopy
2. Not exceed 50 foot-candles underneath the canopy
3. Not exceed 1 foot-candle at the property line

Karen Alexander made a MOTION to accept the changes to the Gas Station Canopy Lighting that does not give a foot-candle requirement at the edge of the canopy but maintains the foot-candle of one at the property edge and 50 foot-candles underneath. The Planning Board finds and determines that the following Land Development Ordinance Text Amendment LDOTA-08-2009 Gas Station Canopy Lighting is consistent with the goals, objectives and policies of the Vision 2020 Comprehensive Plan, and hereby recommends approval. **Diane Young** seconded the motion with all members voting AYE. (8-0)

OTHER BOARD BUSINESS

- Chairman

This is Mark Beymer's last meeting as chair. Staff awarded him with a plaque. He announced that he had retired from RCCC for health reasons.

- Other Board members
- Staff

This was an extraordinary meeting.

- ☆ Passing of the gavel to Robert Cockerl as the new Chair

OTHER BOARD BUSINESS

The next Planning Board meeting will be April 28, 2009.

There being no further business to come before the Planning Board, the meeting was adjourned at 9:06 p.m.

Robert Cockerl, Chair

Diana Moghrabi, Secretary